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Crl.R.C.Nos.1046 & 1047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.1046 & 1047 of 2025

1.Mallikeswaran.K

2.Premavathy.K

3.Hari Prasath.K ... Petitioners in Crl.R.C.No.1016 of 2025

4.Mallikeswaran.K

5.Hari Prasath.K ... Petitioners in Crl.R.C.No.1047 of 2025

Vs.

1.The State represented by
The Deputy Superintendent of Police,
EOW, Chennai.

2.LNS International Finance Service Limited,
Plot No.16, 17, 18, 19, 20A (sp),
Jawaharlal Nehru Road,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai – 600 032.

3.K.Srinivasan ... Respondents in both revisions



Crl.R.C.Nos.1046 & 1047 of 2025

Prayer in Crl.R.C.No.1046 of 2025 : Criminal Revision Case filed under Section 438 and 442 of B.N.S.S., pleaded to set aside the order passed by the Special Judge under TNPID Act, Chennai made in Crl.M.P.No.30 of 2025 in C.C.No.7 of 2022 dated 03.06.2025.

Prayer in Crl.R.C.No.1047 of 2025 : Criminal Revision Case filed under Section 438 and 442 of B.N.S.S., pleaded to set aside the order passed by the Special Judge under TNPID Act, Chennai made in Crl.M.P.No.29 of 2025 in C.C.No.7 of 2022 dated 03.06.2025.

For Petitioners : Mr.R.Prem Anandhan
(in both revisions)

For Respondent : Mr.A.Gopinath
(in both revisions) Government Advocate (Crl.Side) [R1]

COMMON ORDER

These Criminal Revision Cases have been preferred against the orders dated 03.06.2025 passed in Crl.M.P.Nos.30 and 29 of 2025 in C.C.No.7 of 2022, by the learned Special Judge under TNPID Act, Chennai, thereby dismissing the petition for return of property.

2. The petitioners in both the revisions are the owners of the sale deed Document Nos.12973 of 2014 and 17431 of 2015. The 3rd



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respondent is the brother of the petitioners in Crl.R.C.No.1047 of 2025 and the petitioners 1 and 3 in Crl.R.C.No.1046 of 2025. The 2nd petitioner in Crl.R.C.No.1046 of 2025 is the mother of the petitioners 1 and 3 in Crl.R.C.No.1046 of 2025 and petitioners in Crl.R.C.No.1047 of 2025. The above said documents were seized by the 1st respondent police from the 3rd respondent's office in connection with the case in C.C.No.7 of 2020 for the offences punishable u/s 420, 120(B) of IPC and Section 5 of TNPID Act, 1997 and Sections 3, 5, 21(1), 21(2), 21(3), 23 and 25 of BUDS Act, 2019 alleging that the accused persons have collected huge sum to the tune of 13,000 crores from 5235 victims. Seeking to return the sale deeds claiming that the petitioners have entrusted the respective sale deed with the 3rd respondent, the petitioners have filed petitions u/s 497 and 503 of BNSS in Crl.M.P.Nos.30 and 29 of 2025 in C.C.No.7 of 2022 and the same was dismissed vide common order dated 03.06.2025. Challenging the same, the petitioners have come up with these revisions.

3. Learned counsel for the petitioners submitted that the trial court has failed to take into consideration that the petitioner have purchased the properties through bank loans in the year 2015 and 2014



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and the margin money and bank loan was fully repaid out of legitimately earned incomes viz., salaries, family pension, rent from the properties and bank interest and the loans were closed in the year 2022 and 2020. However, the alleged occurrence took place in the year 2022 and the petitioners are no connected with the same. Further, he submitted that the trial court failed to take into consideration that the petitioners in Crl.R.C.No.1047 of 2025 and the 3rd respondent are brothers and they live in the same address along with their mother and the said petitioners have handed over the original documents to the 3rd respondent, a Chartered Accountant for a consultation. Both the office and residence are at one place and there was no demarcation between office and residence. All the documents and files of all the family members were kept in a common cupboard. The respondent police had mistakenly seized the documents while search operation was conducted in the office of the 3rd respondent on 05.08.2022. Without considering the same, the trial had dismissed the petitions filed by the petitioners, which is wholly unsustainable and the same is liable to be set aside. Accordingly, he prays for allowing these revisions.



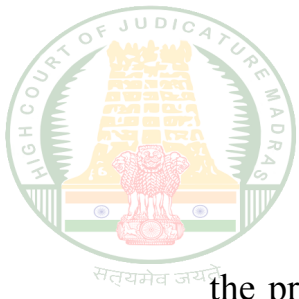
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4. Per contra, learned Government Advocate (Crl.Side) appearing for the 1st respondent would submit that the petitioners and the 3rd respondent are family members. The 3rd respondent is working as a Chartered Accountant and the 3rd petitioner in Crl.R.C.No.1046 of 2025 is working as Company Secretary. Both had registered the 2nd respondent/1st accused company in the year 2022. The said company and others, totally 25 accused have collected 13,000 crores from general public and cheated them. Therefore, the documents which were possessed by the 3rd respondent were seized by the 1st respondent. Hence, the trial court had rightly dismissed the petitions filed by the petitioners vide impugned orders, which does not warrant any interference by this Court. Accordingly, he prays for dismissal of the revisions.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and also perused the materials available on record.

6. Admittedly, the petitioners and the 3rd respondent are not arrayed as accused in C.C.No.7 of 2022. Even according to the case of

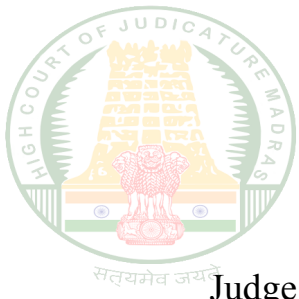


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the prosecution, the 3rd petitioner is working as Company Secretary and the 3rd respondent is the Chartered Accountant. Even assuming that they only registered the 2nd respondent/A1 company, they have nothing to do with the offence committed by the 2nd respondent company and other accused persons. That apart, both the properties were purchased by the petitioners in the year 2014 and 2015 by availing bank loans. In fact, the bank loans were closed in the year 2020 and 2022 respectively. Further, the company itself was registered in the year 2022 and thereafter, A1 and other accused persons have collected money from the general public and cheated them. Therefore, it is seen that the properties have not been purchased from the money received from the alleged crime and the properties are in no way connected with the case in C.C.No.7 of 2020. Without considering the same, the trial court mechanically dismissed the petitions filed by the petitioners seeking return of documents, which is perverse, illegal and arbitrary. Therefore, the impugned orders are liable to be set aside.

7. Accordingly, these Criminal Revision Cases are allowed and the impugned orders, dated 03.06.2025 passed by the learned Special



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Judge under TNPID Act, Chennai in Crl.M.P.Nos.30 and 29 of 2025 are set aside. The Trial Court is directed to return the sale deeds viz., Document Nos.12973 of 2014 and 17431 of 2015 to the petitioners forthwith.

11.07.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The Special Court under TNPID Act, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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